

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Harold Peterson

v.

Civil No. 10-cv-170-JL

United States of America et al.

**PROCEDURAL ORDER**

This court recently held oral argument on the defendants' motion to dismiss the case under Fed. R. Civ. P. 12(b)(1) for lack of standing (document no. 10). As discussed, the court would like the parties to brief whether certain claims in the complaint state a claim for relief, even assuming arguendo that plaintiff Harold Peterson has standing to bring them. To that end, Peterson is ordered to show cause, in writing on or before **March 25, 2011**, why his claims under the Interstate Privileges and Immunities Clause,<sup>1</sup> the Presentment Clause,<sup>2</sup> and the Presidential Oath of Office Clause<sup>3</sup> should not be dismissed under Fed. R. Civ. P. 12(b)(6) for failure to state a claim.<sup>4</sup> Peterson shall explain his legal theories on each of those claims, explain

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<sup>1</sup>See U.S. Const. art. IV, § 2, cl. 1.

<sup>2</sup>See U.S. Const. art. I, § 7, cl. 2.

<sup>3</sup>See U.S. Const. art. II, § 1, cl. 8.

<sup>4</sup>This court is not requesting that Peterson address his other claims under the Commerce Clause (U.S. Const. art. I, s. 8, cl. 3), Takings Clause (U.S. Const. amend. V), and the Ninth and Tenth Amendments (U.S. Const. amends. IX and X).

how the facts alleged in the complaint support those theories, and identify any case law or other legal authority of which he is aware that supports those theories. The defendants may, but are not required to, file a response to Peterson's submission on or before **April 8, 2011**. Each side is allotted up to 20 pages for its submission. This court does not anticipate holding another oral argument on the supplemental submissions, unless the parties mutually request it.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: March 11, 2011

cc: Harold Peterson, pro se  
Eric R. Womack, Esq.  
T. David Plourde, Esq.